

REMARKS

Claims 1-14, 16, 18-29, and 31 are pending in this application. By this Amendment, claims 1-2, 4, 12-13, 16, 18-20, and 24 are amended, and claims 15 and 17 are canceled without prejudice to or disclaimer of the subject matter contained therein. No new matter is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

The courtesies extended to Applicant's representative by Examiner Perez at the interview held April 18, 2007, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below and constitute Applicant's record of the interview.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (as the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection and the interview held April 18, 2007. Entry of the amendments is thus respectfully requested.

I. Claims Define Patentable Subject Matter

The Office Action rejects claims 1, 4-5, 7, 9-13, and 15 under 35 U.S.C. §102(e) as being anticipated by Rick (U.S. Patent No. 6,738,438); rejects claims 2-3, 16-17, 22-29, and 31 under 35 U.S.C. §103(a) as being unpatentable over Rick in view of Bayley (U.S. Patent No.

6,775,252); rejects claims 6, 8, and 14 under 35 U.S.C. §103(a) as being unpatentable over Rick in view of Terasawa (U.S. Patent Application Publication No. 2002/0122396); and rejects claims 18-21 under 35 U.S.C. §103(a) as being unpatentable over Rick in view of Bayley and further in view of Terasawa. The rejections as they pertain to canceled claims 15 and 17 are now moot. However, Applicant respectfully traverses the rejections as they pertain to the remainder of the claims.

Specifically, regarding independent claims 1, 12, 16, and 24, Applicant asserts that Rick, Bayley, and Terasawa, individually or in combination, fail to disclose or suggest a method for searching for a base station from a mobile communicator including at least the step of changing a size of a search window from a full search window size to a first search window size, which is less than the full search window size, when received energy has *not* been detected outside the first search window size, as recited in claims 1, 12, 16, and 24.

The Office Action recognizes that Rick fails to teach a first search window size that is less than a full search window size (page 11, lines 7-8 of the Office Action). Thus, for at least this reason, Rick fails to disclose changing a size of a search window from a full search window size to a first search window size, which is less than the full search window size, when received energy has *not* been detected outside the first search window size, as recited in claims 1, 12, 16, and 24.

Bayley does not remedy the deficiency of Rick. Specifically, in stark contrast to the feature recited in claims 1, 12, 16, and 24, Bayley discloses setting a search window size to a first search window size (121 chips in duration), which is greater than a second search window size (81 chips in duration), if a pilot signal level does *not* exceed a threshold (see Bayley at col. 14, lines 54-57 and col. 15, lines 56-59). Accordingly, Bayley fails to disclose changing a size of a

search window from a full search window size to a first search window size, which is less than the full search window size, when received energy has not been detected outside the first search window size, as recited in claims 1, 12, 16, and 24.

To the limited extent that Terasawa is relied on by the Office Action to reject dependent claims 6, 8, 14, and 18-21 in combination with Rick and/or Bayley, Applicant asserts that Terasawa does not disclose the above feature recited in claims 1, 12, 16, and 24, and thus, fails to make up for the deficiencies of Rick and Bayley.

II. Conclusion

In accordance with the above remarks, Applicant respectfully submits that claims 1, 12, 16, and 24 define patentable subject matter. Claims 2-11, 13-14, 18-23, 25-29, and 31 depend from claims 1, 12, 16, and 24, respectively, and therefore, also define patentable subject matter, as well as for the additional features they recite. Thus, Applicant respectfully requests that the Examiner withdraw the rejections.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14, 16, 18-29, and 31 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'James A. Oliff', with a long horizontal line extending to the left.

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